

**REMARKS**

Claims 1-17 remain pending and at issue in this application.

Applicants respectfully request that the amendments made to independent claims 1 and 8 in response to the newly relied upon art and in an attempt overcome the apparent confusion over the inventive aspects of the claimed device, be entered and considered during the prosecution of the present application. In light of the amendments to the claims and the following remarks, applicants respectfully submit that the above-identified application is in condition for allowance. Reconsideration and withdrawal of the rejections and allowance of claims 1-17 is hereby respectfully solicited.

**I. REJECTIONS UNDER 35 U.S.C. §102 AND §103**

Applicants respectfully traverse the rejection of claims 1-17 as anticipated by or obvious over Coronel et al. (U.S. Patent No. 6,363,294). Independent claims 1 and 8 recite, *inter alia*, an event historian or a batch history application for receiving event information from multiple sources operating in different physical elements of a process, and for automatically deriving relationships among portions of said event information based on the interaction of the physical elements or corresponding to an identified batch. In other words, the claimed event historian or executive program collects process data such as continuous process data, and event data such as changes in valve position, from different physical elements in a process, and automatically organizes this data to show the relationship between the occurrence of the event and a change in the continuous process data. In this way, the physical changes in the process can be quickly and conveniently correlated with the measured changes in the process data to aid in monitoring batch process quality and progress.

Coronel et al. does not disclose or suggest that automatically organizing or correlating continuous process data with event information would be possible, much less desirable and useful when controlling and

operating the process. Coronel et al. discloses a batch processing system for tracking batches of semiconductor wafers as they progress through the manufacturing process however, the system of Coronel et al. simply records information such as the wafer history and the batch history in a database without providing any correlation between the data recorded within the two histories. Thus, to establish a relationship between the two histories a user is required to manually integrate the data based on detailed configuration information and personal knowledge and experience, see page 6, lines 24-29. Coronel et al. does not, at any level, disclose or even suggest that these relationships can be automatically derived, much less used to aid in controlling and operating the process.

Because Coronel et al. does not contain each and every element recited in independent claims 1 and 8, either expressly or inherently, it cannot anticipate these claims. See *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). In particular, Coronel et al. does not disclose, at any level, deriving relationships between portions of the event information, i.e., the continuous data and the event data, much less automatically deriving these relationships.

Furthermore, the pending action does not set forth a *prima facie* case of obviousness<sup>1</sup> because Coronel et al. does not teach or suggest all of the claim limitations set forth in the claims at issue. As discussed above, Coronel et al. does not suggest or disclose that automatically organizing or correlating continuous process data with event information would be possible, much less desirable and useful when controlling and

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<sup>1</sup> To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP § 2143 - § 2143.03 for decisions pertinent to each of these criteria.

operating the process. Since the batch processing system disclosed in Coronel et al. simply records the wafer history and the batch history in a database without providing any correlation between the two histories, the user is required to review manually both sets of data in an attempt to match the changes recorded in a first history with the responses recorded in a second history. This manual review is a time intensive task that requires the user to have a complete and detailed understanding of the interaction and workings of the aspects of the process to properly correlate an individual change with a particular response. For these reasons, claims 1-17 cannot be rendered obvious in light of Coronel et al. Reconsideration and withdrawal of the obviousness rejection is hereby respectfully requested.

## **II. OFFICIAL NOTICE**

Applicants respectfully traverse the reliance on official notice to show that the use of Gantt charts in conjunction with the claimed event historian would have been obvious to one of ordinary skill in the art. While Gantt charts have been used to monitor the progress of a production process, they have not been used to monitor the data flow occurring within a program such as the present event or batch historian application. In particular, FIG. 19 shows an exemplary use of a Gantt chart to illustrates the correlation between recorded event data and continuous process data. Further, while applicants acknowledge that official notice may, in rare instances, be relied upon when an application is under final rejection or action under 37 C.F.R. §1.113, the reliance hereon is improper because the present use of Gantt charts is not an unquestionable demonstration as to defy dispute. See *In re Knapp Monarch Co.*, 296 F.2d 230, 132 USPQ 6 (CCPA 1961). However, if the use of official notice is to be maintained applicants respectfully request the production of documentary evidence in the next Office action illustrating the use of a Gantt chart to illustrate data flow and more particularly to illustrates the correlation between recorded event data and

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**EXPEDITED PROCEDURE**  
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continuous process data. See MPEP §2144.07.

**III. CONCLUSION**

For these foregoing reasons, applicants submit that the application is in condition for allowance.

Respectfully submitted for,

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